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TRANSMITTAL OF APPEAL BRIEF (Large Entity)	Docket No. ITL.0481US

In Re Application Of: **Jeffrey L. Huckins**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/686,754	October 10, 2000	Larry D. Donoghue	21906	2154	4789

Invention: **Scheduling the Uploading of Information from a Client to a Server (Amended)**

COMMISSIONER FOR PATENTS:

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Dated: **April 27, 2006**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant: Jeffrey L. Huckins	§	Art Unit:	2154
Serial No.: 09/686,754	§	Examiner:	Larry D. Donaghue
Filed: October 10, 2000	§	Atty Docket:	ITL.0481US (P10029)
For: Scheduling the Uploading of Information from a Client to a Server (Amended)	§	Assignee:	Intel Corporation

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APPEAL BRIEF

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Nancy Meshkoff

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REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation.

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

Claims 1-30 (Rejected).

Claims 1-30 are rejected and are the subject of this Appeal Brief.

STATUS OF AMENDMENTS

All amendments have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

In the following discussion, the independent claims are read on one of many possible embodiments without limiting the claims:

1. A method comprising:

receiving on a client 12 (Figure 1) a message from a server 21 (Figure 1) addressed to said client 12; and

scheduling a data upload session based on said message (specification at page 4, line 21-page 5, line 8; page 16, lines 6-14).

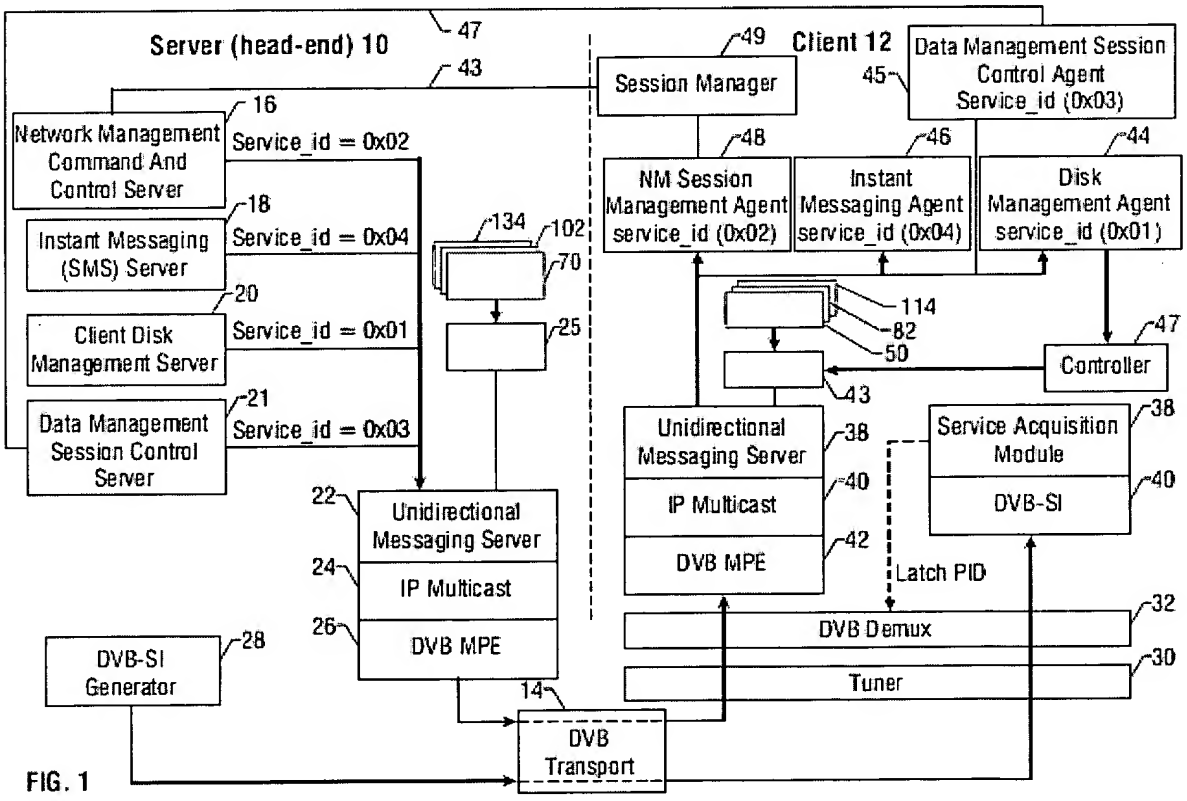

FIG. 1

11. An article comprising a medium storing instructions that enable a processor-based system to:

receive a message from a server 21 addressed to said system 12 (specification at page 3, lines 13-19); and

schedule uploading of information from said system to said server based on said message (specification at page 4, line 21 to page 5, line 8; page 16, lines 6-14).

20. A system comprising:

a processor-based device 12 (Figure 1) (specification at page 3, lines 13-19); and

a storage 43 (Figure 1) storing instructions that enable said processor-based device 12 to receive a message from a server addressed to said processor-based device and schedule uploading of information to said server based on said message (specification at page 7, line 17 to page 8, line 2).

23. A method comprising:

transmitting a message to a client 12 (Figure 1) (specification at page 3, lines 13-19); and

scheduling the uploading of information on said client 12 (Figure 1) based on said message (specification at page 4, line 21-page 5, line 8; page 16, lines 6-14).

26. An article comprising a medium storing instructions that enable a processor-based system to:

transmit a message to a client 12 (Figure 1) (specification at page 3, lines 13-19); and

schedule uploading of information to said system 12 (Figure 1) based on said message (specification at page 4, line 21-page 5, line 8; page 16, lines 6-14).

29. A system comprising:

a processor-based device 12 (Figure 1) (specification at page 3, lines 13-19); and

a storage 43 (Figure 1) storing instructions that enable said processor-based device to transmit a message to a client and schedule uploading of information on said client to said system based on said message (specification at page 7, line 8 to page 8, line 2).

At this point, no issue has been raised that would suggest that the words in the claims have any meaning other than their ordinary meanings. Nothing in this section should be taken as an indication that any claim term has a meaning other than its ordinary meaning.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. **Are claims 1, 6-7, 11, 15-16, 20, 22-24, 26, and 28-30 anticipated by Reisacher?**

B. **Are claims 4-5, 8-10, 14, 17-19, 25 and 27 unpatentable over Reisacher and further in view of Hein?**

ARGUMENT

A. Are claims 1, 6-7, 11, 15-16, 20, 22-24, 26, and 28-30 anticipated by Reisacher?

Claim 1 calls for receiving on a client a message from a server addressed to the client. The Examiner apparently contends that the message is the SNMP request, as indicated by S1 in Figure 6, at an SNMP relay 20. Thus, the client apparently is read to be the item 10 in Figure 3. The server, then, is apparently read to be the management console 24 in Figure 3.

Claim 1 further calls for scheduling a data upload session based on said message. No upload session is ever scheduled and it is never scheduled based on the message. As explained in the material cited in the office action at column 6, lines 5-32, and, particularly, column 6, lines 22-25, the SNMP relay mechanism 20 waits for both responses and, on receipt of those responses, rebuilds a full SNMP response to the originally received network request. In other words, in response to the request that the office action contends comes from a server, the alleged client queries agents for information. Only when it receives both responses does the alleged client build a response.

Thus, it may be seen that there is never a scheduled upload session based on the message. Instead, the asserted upload session occurs when both responses from both agents are received. Then, and only then, is there what the office action apparently contends is an upload session. But, plainly, it is not a scheduled upload session and there is no schedule. It occurs at random whenever the responses from the agents 14 are received. Thus, under no reasonable definition of scheduling could this be described as scheduling a data upload session based on the message.

Therefore, the rejection of claim 1, its dependent claims, claim 11, its dependent claims, and claim 20 and its dependent claims, should be reversed.

Claims 23-30 are the mirror image of claims 1-22 from the server side. For the reasons already described, reconsideration of the rejection of these claims is also requested.

B. Are claims 4-5, 8-10, 14, 17-19, 25 and 27 unpatentable over Reisacher and further in view of Hein?

Claim 4 calls for receiving a message including an identifier specifying a task to perform on the storage device. The rejection provides nothing but the comment "see Reisacher, col. 6, lines 29-32, col. 5, line 66 – col. 4, line 15, in combination with Page 339, 2nd col. line 32 – page 342 1st col. line 19 of Hein". Initially, a *prima facie* rejection is not made out because no rationale to modify or combine is ever set forth. For this reason alone the rejection can be reversed on its face.

Moreover, nothing in any of these references teaches receiving a message including an identifier that specifies a task to perform on a storage device as opposed to a processor-based system. For example, the material cited in Reisacher column 6 is illustrative. There is not even any discussion of any task to be performed on a storage device. The relied-on material is totally devoid of any relationship to the claimed invention. Likewise, the material in column 5, line 66-through column 4, line 15 is indecipherable. It makes no sense. One presumes that the referred-to material is column 5, line 66-column 6, line 15. Again, there is no discussion of any identifier used to specify a task and there is no mention of any storage device on which the task would be performed. The rejection is devoid of any rationale and any support.

The assertion of some combination with Hein which is unexplained is insufficient to make out a *prima facie* rejection.

The rejection of claim 5 is similarly deficient and no effort is made to distinguish reasons for rejection between claims 4 and 5. Claim 5 calls for the identifier indicating a change to a partition on the storage device. Nothing in any of the material has anything to do with any partition on a storage device. Plainly, for all the reasons above, and the fact that partitions are not even discussed in the cited material, the rejection should be reversed.

Claim 9 calls for extracting from said message an identifier which specifies the information to upload to the server and uploading the specified information to the server. Again, for the reasons already described with respect to claim 4, the rejection is baseless. No effort to separately identify the elements related to claim 9, despite its clear differentiation from claims 4

and 5, is made. There is no basis for the rejection since there is no discussion of any identifier used to upload and to specify the information to upload to the server.

Claim 14 calls for instructions that enable the system to decode a command within the message to modify the storage of information in the storage device. There is no effort to indicate any instructions that decode a command within a message to modify storage in the storage device. No effort is made to specifically identify the basis for the rejection of claim 14 relative to other differently-worded claims and no rationale to modify is ever set forth. Thus, for the reasons already described, the rejection of claim 14 should also be reversed.

Claim 18 calls for instructions to enable extraction from a message of an identifier that specifies the information to upload to the server and uploading the specified information to the server. Again, for reasons already described, the rejection fails to make out a sustainable rejection. Therefore the rejection should be reversed.

Claim 8 is rejected based on the German-language reference to Hein. It is suggested that Hein teaches extracting a specified time from a message and uploading the data at the specified time. But the reliance on the German-language reference is improper and therefore the rejection should be reversed. Nothing in Hein seems to enable extracting a time and uploading information at a specified time.

For the same reason, the rejections of claims 17 and 27 should be reversed.

Similarly, the rejection of claim 19 is never explained, therefore the rejection should be reversed.

In view of these remarks, the rejection of claims 4-5, 8-10, 14, 17-19, 25, and 27 should be reversed.

Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: April 27, 2006

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CLAIMS APPENDIX

The claims on appeal are:

1. A method comprising:

receiving on a client a message from a server addressed to said client; and

scheduling a data upload session based on said message.

2. The method of claim 1 further comprising:

assigning an individual identifier to clients comprising a set of clients including said client;

assigning a group identifier to a subset of the clients within the set of clients; and

enabling said client in said set to determine whether a message is sent to said client or to the subset.

3. The method of claim 2 including sending a message to a client in a unidirectional messaging system.

4. The method of claim 1 including receiving a message including an identifier which specifies a task to perform on a storage device.

5. The method of claim 4 including receiving a message including an identifier indicating a change to a partition on said storage device.

6. The method of claim 1 including locating an identifier within said message that specifies an agent on said client to handle said message, and forwarding said message to said agent.

7. The method of claim 6 including enabling said agent to upload data to said server over a back channel during a data upload session.

8. The method of claim 6 further including extracting a specified time from said message and uploading said data at the specified time.

9. The method of claim 1 including extracting from said message an identifier which specifies the information to upload to said server and uploading the specified information to said server.

10. The method of claim 9 wherein said message includes a server identifier, and uploading said data to the identified server.

11. An article comprising a medium storing instructions that enable a processor-based system to:

receive a message from a server addressed to said system; and

schedule uploading of information from said system to said server based on said message.

12. The article of claim 11 further storing instructions that enable a processor-based system to:

assign an individual identifier to each of a plurality of clients comprising a set of clients including said system;

assign a group identifier to a subset of the clients within the set of clients; and

enable the system to determine whether a message is sent to the system or to the subset.

13. The article of claim 12 further storing instructions that enable the processor-based system to send a message to a client in a unidirectional messaging system.

14. The article of claim 11 further storing instructions that enable the processor-based system to decode a command within said message to modify the storage of information on a storage device.

15. The article of claim 11 further storing instructions that enable the processor-based system to locate an identifier within said message that specifies an agent on said system to handle said message, and forward said message to said agent.

16. The article of claim 15 further storing instructions that enable said processor-based system to upload said data to said server over a back channel.

17. The article of claim 15 further storing instructions that enable the processor-based system to extract a specified time from said message and upload said data at the specified time.

18. The article of claim 11 further storing instructions that enable the processor-based system to extract from said message an identifier which specifies the information to upload to said server and upload the specified information to said server.

19. The article of claim 18 further storing instructions that enable the processor-based system to upload said data to a server identified in said message.

20. A system comprising:

a processor-based device; and

a storage storing instructions that enable said processor-based device to receive a message from a server addressed to said processor-based device and schedule uploading of information to said server based on said message.

21. The system of claim 20 wherein said storage stores instructions that enable the device to compare a group identifier in a message to determine whether the device is within a group addressed by said server.

22. The system of claim 20 wherein said storage stores instructions that enable said processor-based device to locate an identifier within said message that specifies an agent on said device to handle said message and forward said message to said agent.

23. A method comprising:

transmitting a message to a client; and

scheduling the uploading of information on said client based on said message.

24. The method of claim 23 including receiving an upload of data over a back channel from a client.

25. The method of claim 24 including transmitting a time specification in the message and receiving an upload of data from a client at said specified time.

26. An article comprising a medium storing instructions that enable a processor-based system to:

transmit a message to a client; and

schedule uploading of information to said system based on said message.

27. The article of claim 26 further storing instructions that enable the processor-based system to transmit information in said message that specifies a time for an information upload from said client.

28. The article of claim 26 further storing instructions that enable the processor-based system to transmit a message that specifies the information that the client should upload.

29. A system comprising:

a processor-based device; and

a storage storing instructions that enable said processor-based device to transmit a message to a client and schedule uploading of information on said client to said system based on said message.

30. The system of claim 29 wherein said storage stores instructions that enable the processor-based device to specify how information is provided from the client to said system.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.